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ELECTRONICALLY FILED AND SERVED VIA CM/ECF

October 4, 2021

Magistrate Judge Anne Y. Shields
United States District Court
100 Federal Plaza, Courtroom 830
Central Islip, New York 11722

Re: *Perrong v. Charles Baratta LLC, at. al.*, Case No.: 2-21-cv-00996-JS-AYS

Dear Judge Shields:

We represent the plaintiff Andrew Perrong (“Plaintiff”) in the above-entitled Telephone Consumer Protection Act action arising from prerecorded solicitations made on behalf of personal injury law firms. The Plaintiff requests a pre-motion conference concerning his anticipated motion for leave to amend the complaint pursuant to Rule 15(a)(2).

Specifically, the Plaintiff seeks leave to file an amended complaint that will:

1. drop as defendants (a) Law Office of Cohen & Jaffe, LLP and (b) Slater Slater Schulman LLP, which have been dismissed with prejudice from the action;
2. add as a plaintiff Stewart Abramson, who received prerecorded solicitation calls from Defendant Charles Baratta LLC in violation of the Telephone Consumer Protection Act during the pendency of this action; and
3. add as defendants (a) Reliable Marketing Consulting, LLC, the company responsible for hiring Charles Baratta LLC to place prerecorded solicitation calls to Plaintiff Perrong on behalf of Defendant Fleming Nolen & Jez LLP and (b) Krause and Kinsman Law, LLC, Lerner & Rowe, PC, and Gacovino, Lake & Associates, P.C., the three law firms on whose behalf Charles Baratta made the prerecorded solicitation calls to Mr. Abramson.

Leave to amend should be freely granted as the TCPA provides for the potential vicarious liability of a company on whose behalf telemarketing calls are made. *E.g., In re Joint Petition Filed by DISH Network, LLC et al. for Declaratory Ruling Concerning the TCPA Rules*, 8 FCC Rcd 6574, 6574 (¶ 37) (2013).

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Moreover, the case is in its earliest stages and no party will be prejudiced by the amendment. In fact, Plaintiff's counsel has conferred with Defendants' counsel and can represent that (1) the only current Defendant that has not been defaulted, Fleming Nolen & Jez, LLP, does not oppose Plaintiff's request for leave to amend the complaint, and (2) the defaulted Defendants, Charles Baratta LLC and Arkady Frekhtman Attorney at Law, P.C., take no position as to Plaintiff's request. Accordingly, leave to amend should be freely given.

Thank you for the Court's consideration.

Respectfully submitted,

s/ Avi R. Kaufman

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